

AGENDA

CHARTER REVISION BOARD OF THE CITY OF FORT LAUDERDALE, FLORIDA

DATE: Thursday, May 11, 2017

TIME: 5:30 p.m.

PLACE: First Floor Chambers
City Hall
100 North Andrews Avenue
Fort Lauderdale, Florida 33301

1. Roll Call.
2. Approve Minutes from the March 9, 2017, meeting.
3. Public input.
4. Old Business.
 - A. Section 3.03 – Qualification of members; forfeiture of office (appointment pursuant to Section 7.08).
 - B. Section 3.12 – Special meetings – How called.
 - C. Section 3.15 – Initiative; petition for proposed ordinance.
 - D. Joint Meeting with City Commission.
 - i. Review for “Clean-up.”
 - ii. Review for “Substance.”
 - E. Procedure for public input.
5. Adjourn.

***PURPOSE:** Advise the City Commission on the propriety of the existing charter and, further, to make such suggestions and recommendations to perfect said charter so as to establish a better government of and for the City.

NOTE: Two or more City Commissioners and/or Advisory Board members may be present at this meeting. If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you desire auxiliary services to assist in viewing or hearing the meetings, or reading meeting agendas and minutes, please contact the City Clerk at (954) 828-5002 and arrangements will be made to provide these services to you.

REVIEW FOR CLEAN-UP

- 2.01 Description of corporate limits.
- 2.02 Greater Fort Lauderdale, West.
- 3.02 Creation, composition and term of commission.
- 3.03 Qualification of members; forfeiture of office.
- 3.12 Special meetings - How called.
- 3.13 Meeting place; meetings to be public.
- 4.02 Compensation of officers and employees.
- 4.04 Functions and duties of mayor-commissioner, et al.
- 4.13 City clerk; appointment; compensation.
 - (a) City Clerk.
- 7.14 Candidates for mayor, commissioner and city commissioner.
- 10.03 Public hearings and public notice.

REVIEW FOR SUBSTANCE

- 3.02 Creation, composition and term of commission.
- 3.03 Qualification of members; forfeiture of office.
- 3.08 Forfeiture of office.
- 3.11 Regular meetings.
- 3.12 Special meetings - How called.
- 3.15 Initiative, petition for proposed ordinance.
- 3.16 Circulating petition for an election.
- 3.17 Commission required to take action.
- 3.18 Time of holding election.
- 3.19 Ballots.
- 3.20 Referendum elections.
- 4.01 Executive Officers.

REVIEW FOR SUBSTANCE CONT'D.

- 4.01 Executive Officers (b).
- 4.05 City manager, appointment, qualifications, compensation.
- 4.06 Acting city manager upon resignation of or during absence or disability of city manager.
- 4.07 Assistants to the city manager.
- 4.08 Removal or discharge.
- 4.09 (j) Powers and duties.
- 4.10 City attorney; appointment; qualifications; compensation.
- 4.11 Assistants to the city attorney.
- 4.14 City auditor appointment, qualifications; compensation.
- 6.01 Civil service established, et al.
- 6.02 Classified and non-classified service.
- 6.03 Status of present employees and offices.
- 7.07 General election, regular municipal election.
- 8.01 Sale of personal property procedures, public notice, et al.
- 8.02 Sale of public lands and of public property to public bodies.
- 8.08 Leases of parking spaces in parking facilities owned or operated by the city.
- 8.09 Leases for more than one year and not more than fifty years.
- 8.11 Sale of real property at Fort Lauderdale Executive Airport.
- 8.12 Lease of Shops in City Park Garage.
- 8.13 Leases to civic and charitable organizations.
- 8.21 Disposing of public property.
- 9.05 Unencumbered balance at end of fiscal year.

DRAFT
City of Fort Lauderdale
Charter Revision Board
March 9, 2017 – 5:30 P.M.
1st Floor City Commission Room – City Hall
Fort Lauderdale, FL 33301

MEMBERS		January-December 2017	
		PRESENT	ABSENT
Judith Stern, Chair	P	3	0
Ron Gunzburger, Vice Chair	P	3	0
Wilson Atkinson	A	2	1
Desorae Giles-Smith	A	1	2
Maria Del Rosario Lescano	P	2	1

Staff Present

Paul Bangel, Senior Assistant City Attorney
Jeff Modarelli, City Clerk

1. Roll Call

Roll was called at , and a quorum was established.

2. Approve Minutes from the Meeting of February 9, 2017.

Motion made by Vice Chair Gunzburger, seconded by Ms. Lescano, to approve the minutes of the February 9, 2017, meeting. In a voice vote, the motion passed unanimously (3-0).

3. Public Input - None

4. Old Business

A. Membership; ex officio non-voting members (Section 2-232, Code of Ordinances)

The City Commission voted unanimously to adopt Section 2-232 at its first reading, and the second and final reading will be coming back on March 21, 2017. Chair Stern explained this would remove ex officio non-voting members from the Charter Revision Board so that all members could have Sunshine conversations with staff.

Attorney Bangel advised he had attached a copy of the proposed ordinance to the agenda.

B. Section 3.15. - Initiative; petition for proposed ordinance

Vice Chair Gunzburger reported that Attorney Bangel provided him with copies of the portion needing updating. Vice Chair Gunzburger will continue working on it.

Attorney Bangel referred to Title XII Florida Statutes, Section 166.031, Charter Amendments, and read from Sub Section (1). He noted there are two ways to amend the charter - either by petition of the electors, or by ordinance. He then directed the Board's attention to the City's ordinance, Section 3.15, where the "1,000 electors rule" is, as opposed to the Statute's "10% of the registered electors."

Attorney Bangel proposed removing the phrase, "ordinances amending the charter" from the City's Charter and leave it "for any other ordinance." The revision would be voted on by the City Commission, as a Charter revision.

Chair Stern recalled that they also wanted to look into the differences in standards (8% versus 10%) for any type of petition drive.

Attorney Bangel directed the Board's attention to Sub Section (3) of Florida Statutes Section 166.031 which suggests the City could have another standard other than what is in the Statute.

Mr. Modarelli advised that the City Commission discussed the Board's Communication at their last meeting, and the joint meeting will be scheduled. One of the items, as requested by Chair Stern, will be discussion on the standards just mentioned by Attorney Bangel.

Motion made by Vice Chair Gunzburger, seconded by Ms. Lescano, to table the item to the Charter meeting following the workshop with the City Commission (3-0).

C. Section 4.13 - City clerk (compensation pursuant to pay plan)

Attorney Bangel recalled the issue was to make the Charter language consistent with that of the other Charter officers. He proposed changing the last sentence of paragraph A to read, "the City Clerk shall receive such compensation as the City Commission may by resolution fix and determine."

Motion made by Vice Chair Gunzburger, seconded by Chair Stern, to recommend the change as stated by Attorney Bangel. In a voice vote, the motion passed unanimously (3-0).

D. Section 3.03 - Qualification of members; forfeiture of office (appointment pursuant to Section 7.08)

Attorney Bangel referred to a distributed copy of Section 3.03 with the proposed additional language, which added the word, "appointment." He read from the document, and noted that the last order could be nomination, election, or appointment.

It was noted that an appointment can be accepted up to 18 months prior to an election, so that point needs clarification.

Attorney Bangel read from Section 7.08 regarding office vacancies. He believed then he would only add "appointment" in the second paragraph.

Motion made by Vice Chair Gunzburger, seconded by Ms. Lescano, to remove it to the City Attorney's office to make further recommendations. In a voice vote, the motion passed unanimously (3-0).

E. Section 3.12 - Special meetings -- How called

Attorney Bangel referred to the revised language in his proposal. He pointed out that any of the Charter officers could call special meetings of the City Commission, and the call notice should state the general purpose of the meeting.

Ms. Lescano said they wanted to clean up the six-hour notice and put it under the preface of the Sunshine Law requirements. Attorney Bangel said that the Sunshine Law specifies the notice requirements.

Motion made by Vice Chair Gunzburger, seconded by Ms. Lescano, to adopt the proposed revisions. Motion not brought to vote.

Mr. Modarelli wondered if the City Clerk should be able to call a special meeting. Attorney Bangel clarified that there may be a situation where each one of the officers has an emergency situation that needs to be brought to the City Commission.

Discussion ensued on what might be deemed an emergency need. Attorney Bangel suggested a few scenarios such as a time-limited trial action, a natural disaster, etc. He clarified that the calling of the meeting goes in a prioritized order, with the Mayor being first. Some members were also concerned about conforming to the Sunshine Law when possibly discussing the need for a meeting.

Chair Stern wished to hear an opinion from the City Auditor, since he also works directly under the City Commission and may have a differing view.

Motion made by Vice Chair Gunzburger, seconded by Ms. Lescano, to defer for additional input as suggested by Chair Stern. In a voice vote, the motion passed unanimously (3-0).

5. New business

A. Section 6.0.2 - Classified and nonclassified service (grant-funded positions)

Sr. Assistant City Attorney Paul Bangel said this item may become moot. He spoke with the City Manager who said there are other options to resolve the point.

6. Adjourn

Upon motion duly made and seconded, the meeting was adjourned at 6:14 p.m.

[Minutes prepared by J. Rubin, Prototype, Inc.]

City of Fort Lauderdale

*City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov*



Meeting Minutes

Thursday, April 13, 2017

6:30 PM

Joint Workshop with Charter Revision Board

City Commission Conference Room

CITY COMMISSION WORKSHOP

FORT LAUDERDALE CITY COMMISSION

***JOHN P. "JACK" SEILER Mayor - Commissioner
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I
DEAN J. TRANTALIS - Commissioner - District II
ROBERT L. McKINZIE - Commissioner - District III
ROMNEY ROGERS - Commissioner - District IV***

***LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
CYNTHIA A. EVERETT, City Attorney***

ROLL CALL

Present: 5 - Vice Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Robert L. McKinzie, Commissioner Romney Rogers, and Mayor John P. "Jack" Seiler

QUORUM ESTABLISHED

Also Present: Assistant City Manager Stanley Hawthorne, City Auditor John Herbst, City Clerk Jeffrey A. Modarelli, City Attorney Cynthia A. Everett

Charter Revision Committee Members: Chair Judy Stern, Vice-Chair Ron Gunzburger, Wilson Atkinson, Desorae Giles-Smith, and Maria Del Rosario-Lescano

CALL TO ORDER

Mayor Seiler called the meeting to order at 6:37 p.m.

No ecomments were submitted for this meeting

OLD BUSINESS**OB-1** [17-0522](#)

Status Report - Charter Revision Board Chair, Judy Stern

Chair Judy Stern began the discussion stating that the language in the City Charter (Charter) has been in place since the 1980's and is in need of being updated. She also acknowledged the Charter Revision Board's (Board) input from the Office of the City Manager and the City Attorney's Office to address to the Charter.

Vice Chair Gunzburger gave a brief historical overview of previous Commissions' requests for the Board to update the Charter, stating the issues were too numerous to put on the ballot. He requested the Commission define the approach they would prefer the Board take on Charter revisions. Chair Stern acknowledged the support of the Commission.

Commissioner Trantalis said some modifications change the entire dynamic of the Charter and have never been discussed by the Commission. Mayor Seiler confirmed that none of the modifications had been vetted by the Commission. Vice Chair Gunzburger stated this was the reason the Board wished to slow the process in order to receive input from the Commission.

City Attorney Everett commented on Commissioner Trantalis's point, stating her recollection was that each Commissioner would speak to their Board appointees to give them an idea of what changes needed to be made. Additionally, the Commission requested the City Manager's Office and the City Attorney's Office to bring forth their recommendations. The purpose of this workshop is to hear the concerns and recommendations of all parties. Mayor Seiler confirmed the procedure stated by City Attorney Everett.

In response to Mayor Seiler's question, Chair Stern stated the Board has had an opportunity to consider the modifications. Mayor Seiler asked for input from both the Commission and the Board, acknowledging the need to update and streamline the Charter.

Vice Mayor Roberts stated he would like to see a more streamlined Charter to allow City operations to run more effectively and efficiently. He also recommended including something in the Charter requiring the Charter be reviewed every five years. Vice Mayor Roberts concurred with Vice Chair Gunzburger's recommendation to bring these items forward to the public at general meetings in order to further refine any changes put forward on a future ballot, suggesting the need for public input at different venues throughout the City. Mayor Seiler concurred.

Commissioner Trantalis stated he would like to review the recommendations to allow for discussion. Commissioner McKinzie concurred with Vice Mayor Roberts and Commissioner Trantalis's comments. Commissioner Rogers also agreed on the need for public input. He raised the issue of petitions from the public, specifically as it relates to the recent petitions from the public regarding public lands. He suggested the Commission hear from the public prior to spending a significant amount of time on modifications to the Charter.

Commissioner Trantalis recommended addressing clean-up issues. City Attorney Everett discussed ways in which language could be put on a future ballot to address changes to the Charter via an ordinance or resolution for changes that are not substantive in nature.

Mayor Seiler asked each Board member for their comments. Board member Wilson Atkinson stated he did not think the public has seen the recommendations, noting those he considered significant for discussion and the remainder being administrative. He said the City's legal boundaries should be updated to reflect accuracy. The other items Mr. Atkinson noted those that were substantive included:

- Changing the terms of the Commission from three to five years; and
- Staggering the election terms. (Discussions on mirroring what the City of Hollywood has done ensued.)

Board member Desorae Giles-Smith agreed some modifications were ministerial in nature and others were substantive, requiring discussion and a decision.

Board member Maria Del Rosario Lescano, Esq., confirmed some modifications were ministerial. Other sections related to powers and duties of certain offices and should be consistent with subsequently enacted ordinances.

Mayor Seiler asked the Board if there were any glaring issues in the Charter that should be addressed. He suggested several ways to address modifications to the Charter, acknowledging the need for transparency. Mayor Seiler also noted that the public may not have had an opportunity to review this workshop's agenda or backup due to the religious holidays.

Chair Stern expounded on the Board utilizing each member area of expertise to address the suggested substantive modifications to the Charter. Mr. Atkinson suggested the Board can do the ministerial clean-up work.

Mayor Seiler pointed out some issues that have confronted the Commission that should be addressed in the Charter including:

- The need for a clear petition process;
- The City election process;
- Compensation decisions; and
- Public Lands.

Mayor Seiler stated the format of this workshop would be for the attendee's to quickly review of the proposed modifications to the current Charter to determine if the recommended changes were substantive or ministerial in nature.

NEW BUSINESS

NB-1 [17-0523](#)

Overview - Senior Assistant City Attorney, Paul Bangel, Legal Advisor to the Charter Revision Board

Mayor Seiler asked Chair Stern how many of the recommended items

originated with the Board. Chair Stern deferred to Senior Assistant City Attorney Paul Bangel. Mr. Bangel stated none of the revisions were initiated by the Board. Additionally, some of the City Attorney's Office modifications overlapped with the modifications submitted by the City Manager's Office.

NB-2 [17-0524](#)**Proposed Charter Revisions**

The following recommendations were submitted by both the Office of City Manager and the Office of the City Attorney. Each section of the Charter listed denotes the decision by the Commission and the Board as to whether the modifications are substantive or ministerial (clean-up) in nature. There were a total of 39 items that were substantive in nature and 12 items that were deemed ministerial. (Substantive items are noted in bold type.)

City Manager Recommendations:

- 2.01 Description of Corporate Limits, et al. - *Clean-up*
- 3.02 Creation, composition and term of commission. -
Substantive
- 3.03 Qualifications of members, forfeiture of office, et al. -
Clean-up
- 3.12 Special meetings - How called. - *Clean-up*
- 4.01(b) Executive Officers - ***Substantive***
- 4.02 Compensation of officers and employees - *Clean-up*
- 4.04 Functions and duties of mayor-commissioner, et al. -
Clean-up
- 4.05 City manager, appointment, qualifications, compensation -
Substantive
- 4.06 Acting city manager upon resignation of or during absence or
disability of city manager - ***Substantive***
- 4.07 Assistant to the city manager - ***Substantive***.
- 4.09(j) Powers and duties - ***Substantive***
- 4.13 (a) City Clerk - *Clean-up*

- 6.01 Civil service established, et al. - **Substantive**
- 7.07 General election, regular municipal election - **Substantive**
- 7.14 Candidates for mayor commissioner and city commissioner -
Clean-up
- 8.01 Sale of personal property, procedures, public notice, et al. -
Substantive
- 8.08 Leases of parking spaces in parking facilities owned or
operated by the city - **Substantive**
- 8.09 Leases for more than one-year and not more than fifty years
- **Substantive**
- 8.11 Sale of real property at Fort Lauderdale Executive Airport -
Substantive
- 8.12 Lease of Shops in City Park Garage - **Substantive**
- 8.21 Disposing of public property - **Substantive**
- 9.05 Unencumbered balance at end of fiscal year - **Substantive**

City Attorney's Office Recommendations:

- 2.01 Description of corporate limits. - *Clean-up*
- 2.02 Greater Fort Lauderdale, West. - *Clean-up*
- 3.02 Creation, composition and term of commission. -
Substantive
- 3.03 Qualification of members; forfeiture of office. - **Substantive**
- 3.08 Forfeiture of office. - **Substantive**
- 3.09 Organization meeting. - Neither substantive or clean-up
- 3.10 Special meeting to seat new member. - Neither substantive
or clean-up
- 3.11 Regular meetings. - **Substantive**

- 3.12 Special meetings - How called. - **Substantive**
- 3.13 Meeting place; meetings to be public. - *Clean-up*
- 3.15 Initiative, petition for proposed ordinance. - **Substantive**
- 3.16 Circulating petition for an election. - **Substantive**
- 3.17 Commission required to take action. - **Substantive**
- 3.18 Time of holding election. - **Substantive**
- 3.19 Ballots - **Substantive**
- 3.20 Referendum elections. - **Substantive**
- 4.01 Executive officers. - **Substantive**
- 4.02 Compensation of officers and employees - *Neither*
- 4.06 Acting city manager - **Substantive**
- 4.07 Assistants to the city manager - **Substantive**
- 4.08 Removal or discharge - **Substantive**
- 4.10 City attorney; appointment qualifications; compensation - **Substantive**
- 4.11 Assistants to the city attorney. - **Substantive**
- 4.13 City clerk; appointment; compensation - *Clean-up*
- 4.14 City auditor appointment; qualifications; compensation - **Substantive**
- 6.02 Classified and non-classified service - **Substantive**
- 6.03 Status of present employees and offices - **Substantive**
- 8.02 Sale of public lands and of public property to public bodies - **Substantive**
- 8.09 Leases for more than one year and not more than fifty years - **Substantive**

8.13 Leases to civic and charitable organizations - **Substantive**

10.03 Public hearings and public notice - *Clean-up*

City Attorney Everett discussed the suggestion City Manager Feldman had previously raised in a previous conversation about having a Citizen's Bill of Rights that the Board may wish to consider including in the Charter. In response to Mayor Seiler's question, City Attorney Everett confirmed that Broward County has a Citizens Bill of Rights. Ms. Everett briefly describing what it contains. Further discussions continued on this topic.

Mayor Seiler asked the Board if there were any additional items in need of consideration. Chair Stern stated the hiring process of a Police Chief, allowing for consideration of hiring from within should be addressed. Vice Mayor Roberts stated the Charter is unclear on this and needs to be refined. Chair Stern stated she has the necessary data to address this matter with Staff.

Mayor Seiler discussed the Commission's timeframe moving forward, stating submittal for any ballot item would be May 2018 for a November 2018 or August 2018 ballot. Discussions continued on the necessary public hearings to have these issues on the February 2018 ballot. Commissioner Rogers discussed the need for the Board to determine if an educational campaign should occur before an election.

Vice Chair Gunzburger stated the Commission has the pulpit to reach the voters, commenting that the more informed voters are the ones likely to turn out in a local City election. He also discussed a pragmatic approach, stating if the clean-up can be done with an omni-bus ballot item, it would allow a large portion of clean-up issues to be addressed. Commissioner Rogers recommended having a segmented process to address the clean-up issues followed by addressing substantive issues at a later time.

Chair Stern asked City Clerk Modarelli to reach out the Supervisor of Elections Office to get the deadline dates for the February 2018, August 2018, and November 2018 ballots and notify the Board of the associated timeframes. There was a consensus that the clean-up items would be addressed during the primary or general City elections in February or March 2018.

City Attorney Everett gave an overview of the Broward County Citizen's Bill of Rights, stating it codifies aspects of good government. Mayor Seiler requested the Board determine if this would be

redundant. Commissioner Rogers commented on the public's perception of a sense of trust by including a Citizen's Bill of Rights on the ballot. Vice Chair Gunzburger commented on the need to have ballot items written in a clear and concise manner.

Mayor Seiler stated the ballot should include three or four prioritized items, one of which would be an item to address those sections of the Charter in need of clean-up.

City Auditor John Herbst suggested harmonizing the Charter language for the City Auditor and City Clerk's Offices with the City Manager's Office and the City Attorney's Office via an omni-bus item. Mayor Seiler suggested City Auditor Herbst meet with the City Attorney's Office to address harmonizing the language for all Charter Offices.

Vice Chair Gunzburger confirmed for Commissioner Trantalis that nothing in the Charter prevents Charter revisions to occur more frequently. The Board has the right to meet at any time. Commissioner Trantalis concurred with Commissioner Rogers's recommendation for including an education aspect to be more aggressive about informing the public of pertinent modifications to the Charter.

Mayor Seiler suggested scheduling an hour for public input at a Board meeting. Vice Chair Gunzburger suggested the Board honing down the issues to three or four in addition to the clean-up issues. Mayor Seiler recommended the Board, sitting as a body in the City Commission Chambers, meet and have public input on those specific items. He also noted inviting groups such as the Council of Civic Associations.

Chair Stern suggested including a public hearing notice on this issue with City utility bills. City Clerk Modarelli confirmed a detailed special notice could be put on the City website.

Mayor Seiler asked Chair Stern if the Board has any staffing needs. Chair Stern confirmed the Staff currently provided was adequate. Public meetings would happen in September 2017. Discussions ensued on upcoming deadlines and elections.

ADJOURNMENT

There being no further business before the Charter Revision Board at the meeting on April 13, 2017, Mayor Seiler adjourned the meeting at 7:41 p.m.